MARGIE L. RICE Mayor

ANDY QUACH Mayor Pro Tem

FRANK G. FRY Council Member

KERMIT MARSHCouncil Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED AND ADJOURNED REGULAR MEETINGS

July 9, 2008

5:30 – Council Chambers (Study Session) 7:00 p.m. – Council Chambers

8200 WESTMINSTER BOULEVARD WESTMINSTER, CALIFORNIA 92683

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at http://www.ci.westminster.ca.us. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

July 9, 2008

5:30 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

OPENING

CALL TO ORDER

SALUTE TO THE FLAG: Council Member Marsh

ROLL CALL

ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE <u>ATTACHED</u> **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

1. Westminster Mall Revitalization Alternatives by the Urban Planning Graduate Studio at the University of California, Irvine.

RECOMMENDATION: Staff recommends that the Mayor and City Council receive a presentation on the four alternative design plans developed by the students of the UCI Urban Planning Graduate Studio for the Westminster Mall.

RECESS:

July 9, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT: ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION:

SPECIAL PRESENTATIONS:

- A. Recognition of Khai-Hoan Huynh, Youth Committee Vice Chair, recipient of Scholarship through the 2008 Disneyland Resort Scholarship Program
- B. Recognition of Kim-Yen Huynh, appointed by Governor Schwarzenegger as member to the Asian and Pacific Islander American Affairs Commission
- C. Presentation of the Public Service Leadership Award to City Manager Ray Silver and Police Chief Andy Hall by the Federal Executive Board of Greater Los Angeles

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

July 9, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE <u>ATTACHED</u> **GREEN** FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of June 10, 2008 and June 23, 2008. (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

1.2 Fourth Option Year Renewal for Municipal Parking Citation Processing, Payment and Adjudication Services for FY 2008-09. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fourth and final option year renewal of the contract with Turbo Data Systems, Inc. in an amount not to exceed \$42,000 for FY 2008-09

1.3 First Option Year Renewal for Transcription Services for FY 2008-09. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the first option year renewal of the contract with Huntington Court Reporters in an amount not to exceed \$45,000 for the FY 2008-09; and
- 2) Authorize the Chief of Police to approve the contract renewal option for FY 2009-10.

July 9, 2008

1. CONSENT CALENDAR (Continued)

1.4 Revised Classification Specifications for Animal Control Officer and Property Control Clerk and New Classification Specification for Civilian Investigator. (Eddie Manfro and Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- Approve the revised classification specification for Animal Control Officer;
 and
- 2) Approve the revised classification specification for Property Control Clerk; and
- 3) Approve the new classification specification for Civilian Investigator.
- 1.5 Amendment No. 1 to Consulting Services Agreement with Lord Fleming Architects, Inc. in order to reflect the firm's name change to Fleming Alliance Architecture. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the Consulting Services Agreement with Lord Fleming Architects, Inc. in order to reflect the firm's name change to "Fleming Alliance Architecture", and authorize the City Manager to execute the amendment on behalf of the City.

1.6 Renewal of contract with California Shopping Cart Retrieval Corporation (CSCRC) in the amount of \$36,000 for retrieval of stray shopping cart services. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the contract renewal with California Shopping Cart Retrieval Corporation (CSCRC) in the amount of \$36,000 for the period of July 1, 2008 through June 30, 2009.

1.7 Award of Option Year Renewable Contract for the Purchase of Wet Barrel Hydrant Heads & Accessories for FY 2008-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to C. Wells Pipeline Material, Inc., in the amount of \$133,399.88 for a one year contract, with four additional renewable years, to purchase wet barrel hydrant heads and accessories for FY 2008-09.

1.8 Letter of Support for Expansion of the 91 Express Lanes. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize staff to forward a letter of support to the Orange County Transportation Authority (OCTA) regarding the expansion of the 91 Express Lanes along the Riverside Freeway (State Route 91) to Interstate 15.

July 9, 2008

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

1.9 Ordinance No. 2432 - An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to establish Section 17.48.020 Accessory Uses to establish development standards and procedures for large family day care (7 - 14 children) facilities in the single family residential district. (Case No. 2008-01) (continued from the June 25, 2008 meeting). (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2432 and waive further reading.

1.10 Resolution No. 4165 - A Resolution of the Mayor and the City Council of the City of Westminster Providing for a Compensation Plan for Employees Represented by the Westminster Police Officers' Association (WPOA). (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and the City Council adopt Resolution No. 4165.

1.11 Resolution No. 4166 – A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Part-Time Employees of the City of Westminster. (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and the City Council adopt Resolution No. 4166.

<u>ADMINISTRATIVE ITEMS</u>

1.12 Special Event Permit application from the Association of the Vietnamese Language & Culture Schools of Southern California to hold a Children's Autumn Moon Festival on Saturday, September 13, 2008 between the hours of 6:00 a.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Westminster Civic Center. Applicant estimates the attendance will be 2,000 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.13 Fee waiver request from Shirl Stewart, Lt. Governor of Kiwanis, for use of the East/West Room and Craft Room in the Community Services building to hold Kiwanis training on July 19, 2008 from 8:00 a.m. – 2:00 p.m. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

July 9, 2008

1. CONSENT CALENDAR (Continued)

1.14 Facility use and fee waiver request from Pastor Charlie Wilkins, Greater Grace Church of Deliverance, for use of the Senor Center Dining Room for a recognition event for their financial officer on Saturday, July 26, 2008 from 10:00 a.m. – 3:00 p.m. (Greg Johnson)

RECOMMENDATON: Staff recommends that the Mayor and City Council approve the facility use and fee waiver request.

WARRANT REGISTER

1.15 (City Council/Redevelopment Agency) Warrant Register dated June 18, 2008 through July 1, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.16 Minutes of the Commission on Aging meeting held on May 12, 2008. (Greg Johnson)

RECOMMENDATION: Receive and file.

1.17 Treasurer's Report - May 2008 (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Planning Commission meeting held on June 4, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

* * * * * * * *

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE <u>ATTACHED</u> **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

July 9, 2008

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on July 2, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of July 2, 2008.

- 1) Case 2008-22 a Conditional Use Permit to allow entertainment in an existing restaurant (Jaqu's) with an existing Alcoholic Beverage Control License (Type 47) at 16334 Beach Boulevard.
- Case 2008-25 a Conditional Use Permit to reopen an existing legal nonconforming billiard center (International Billiards), at 6328 Westminster Boulevard.
- 3) Case 2008-24 Design Review Level 2 involving exterior remodel to an existing retail center at 9251 Bolsa Avenue.
- 4) General Plan Conformity, a request to determine if the disposition of Agency owned land conforms to the City's adopted General Plan at 13942 Cedar Street.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE <u>ATTACHED</u> **PINK** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

July 9, 2008

4. PUBLIC HEARINGS (Continued)

Council Action

4.1 CASE NO. 2008-03 - AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A MASSAGE ESTABLISHMENT AND A REQUEST FOR A WAIVER FROM WESTMINSTER MUNICIPAL CODE SECTION 5.32.350 REQUIRING A MASSAGE ESTABLISHMENT TO BE LOCATED A MINIMUM DISTANCE OF 250' FROM RESIDENTIALLY ZONED PROPERTY AT 14600 GOLDENWEST STREET, #102 (ASSESSOR'S PARCEL NUMBER: 096-182-03); APPLICANT: ANNIE NGUYEN; PROPERTY OWNER: RECO CONSTRUCTION INC. (Art Bashmakian)

PLANNING COMMISSION RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4159 entitled: "A Resolution of the Mayor and City Council of the City of Westminster denying a Conditional Use Permit for a massage establishment and a request to allow the massage establishment to locate within 250' of residentially zoned property, located at 14600 Goldenwest Street, #102 (Assessor's Parcel Number: 096-182-03) (Case No. 2008-03)."

4.2 CASE NO. 2008-20 - REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF A PARKING VARIANCE. LOCATION: 9060-9122 BOLSA AVENUE; APPLICANT: HOA BINH PLAZA, LLC, PROPERTY OWNER OF RECORD. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4164 entitled "A Resolution of the Mayor and City Council of the City of Westminster Overturning the Planning Commission's Decision to Approve Case No. 2008-20 Pertaining to a Parking Variance for a New Retail Food and Beverage Service Business with Patron Seating in an Existing Retail Shopping Center Located at 9060-9122 Bolsa Avenue."

July 9, 2008

4. PUBLIC HEARINGS (Continued)

4.3 (CITY/AGENCY) SALE OF A 5' X 51' PIECE OF CITY PROPERTY LOCATED AT 13942 CEDAR STREET TO THE WESTMINSTER REDEVELOPMENT AGENCY (Don Anderson)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (only those who spoke in favor can speak in rebuttal)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

1) Adopt Resolution No. 4163 approving the Property Conveyance Agreement (PCA) and authorizing the City Manager to execute and implement the PCA on behalf of the City.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 2) Adopt Resolution No. 192 approving the Property Conveyance Agreement (PCA) and authorize the Executive Director to execute and implement the PCA on behalf of the Agency.
- 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS
- 5.1 Council/Agency Member Items
- 5.2 AB 1234 Reports
- 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR
- 6.1 2008 Justice Assistance Grant (JAG) Fund Distribution Agreement and Expenditure Plan. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize an appropriation of \$8,793.00 for the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Grant Revenue for FY 2008-09 budget; and
- 2) Authorize an appropriation of \$8,793.00 to the JAG Fund expenditure budget for FY 2008-09 to Contractual Services.

July 9, 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Continuance of Verizon Wireless Data Service at Police Department (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- Approve the continued use of Verizon Wireless Data Services as the provider of wireless data local area network services for the Police Department in an amount not to exceed \$25,000 from the Department of Justice (DOJ) Seizure Account for fiscal year 2008-09;
- Approve a wireless contingency fund in an amount not to exceed \$10,000 for evolving wireless data contractual services, including the required T-1 data line, from the Police Department of Justice (DOJ) Seizure Account for fiscal year 2008-09; and,
- 3) Increase the DOJ Seizure fiscal year 2008-09 budget by \$35,000 and authorize the appropriation of funds from the Police Seizure DOJ Undesignated Unreserved Fund Balance to the Contractual-Other in the amount of \$35,000.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the League of California Cities for the Mayor and City Council to designate a voting delegate and up to two (2) alternates for the 2008 League Annual Conference, September 24-27, in Long Beach.

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a voting delegate and up to two (2) alternates, and direct the City Clerk to forward the Voting Delegate/Alternate Form to the League of California Cities.

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4167 - Amending Resolution No. 4012 Establishing Fees for Special Services provided by the City of Westminster. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4167 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4012 establishing fees for special services provided by the City of Westminster to include a sign removal fee for the removal of the first sign as part of the removal of illegal signs.

July 9, 2008

9. COMMISSION AND COMMITTEE ITEMS

9.1 Resignation of Reginald Crozier from the Traffic Commission and Cultural Arts Commission. (Mayor Rice's Appointee)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept, with regrets, the resignation of Reginald Crozier from the Traffic Commission and Cultural Arts Commission.

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary